## Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

**Part I: Measure Information** 

Bill Request #: 21 R2			
Bill #: SB 9 GA			
Document ID #: 1374			
•	AN ACT relating to the mergency.	protecton of born-alive infa	ants and declaring an
Sponsor: Senator Whitney H. Westerfield			
Unit of Government:		X County X Consolidated Local	X Urban-County Unified Local X Government
Office(s) Impacted:	police officers and jail	ls	
Requirement: X Mandatory Optional			
Effect on Powers & Duties: X	_ Modifies Existing _	X Adds New El	iminates Existing

## Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

SB 9 GA Section 2 would establish that if an attempted abortion results in a live birth then the infant is a legal person for all purposes in Kentucky. Section 3 of the bill would create a new section of KRS 311.710-311.830 to prohibit a person denying an infant born alive nourishment with the intent to cause or allow death, or to deny medically appropriate and reasonable medical care, medical treatment, or surgical care. Section 3(2) would require a physician performing an abortion to take all medically appropriate and reasonable steps to preserve the life and health of an infant born alive. Section 3(5) would prohibit use of any infant born alive for scientific research or experimentation unless necessary to preserve the life and health of the infant. Section 1 would define the terms "born alive" and "live birth."

SB 9 GA would establish that a physician, nurse, or other healthcare provider who intentionally violates SB 9 GA Section 3(2) is guilty of a Class D felony; a person who intentionally violates Section 3(5) would also be guilty of a Class D felony.

SB 9 GA would have a minimal fiscal impact on local governments. The bill would create 2 new Class D felonies, which could increase work load and personnel demands on local law enforcement, though the number of arrests, criminal prosecutions and incarcerations under the new felonies would be small. The Administrative Office of the Courts reports that from January 1, 2017 to December 31, 2018 there were **no** criminal prosecutions and **no** incarcerations for violations of current abortion laws at KRS 311.723 - 311.787; from January 1, 2019 to December 31, 2019 there was a single charge statewide of violation of current abortion laws, for violation of KRS 311.810 (discrimination for refusal to submit to abortion). That charge was subsequently amended and disposed of on a finding of "not guilty."

However, for those charged, when a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 77 full service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$31.34 per day to house a D felon. Since the per diem pays for the estimated average cost of housing a Class D felon, the per diem may be less than, equal to, or greater than the actual housing cost.

## Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II, above, pertains to the GA version. The GA version is the same as the bill as introduced. No amendments or substitutes were adopted when the bill passed its chamber of origin.

Data Source(s): Administrative Office of the Courts, Richmond Register newspaper,

Department of Corrections, LRC Staff

**Preparer:** Mary Stephens **Reviewer:** KHC **Date:** 1/28/20